

1                   UNITED STATES OF AMERICA  
2                   UNITED STATES DISTRICT COURT  
3                   SOUTHERN DISTRICT OF CALIFORNIA

4                   - - -  
5                   HONORABLE WILLIAM V. GALLO  
6                   UNITED STATES MAGISTRATE JUDGE PRESIDING  
7                   - - -

8                   UNITED STATES OF AMERICA,      )  
9                   )                                          )  
10                  PLAINTIFF,                         )  
11                  )                                          )  
12                  VS.                                 ) NO. 10CR1372W  
13                  )                                          )  
14                  JONATHAN LEAL-DEL CARMEN,        )  
15                  )                                          )  
16                  DEFENDANT.                         )  
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12                  PRELIMINARY HEARING

13                  REPORTER'S TRANSCRIPT OF PROCEEDINGS  
14                  **APRIL 15, 2010**  
15                  SAN DIEGO, CALIFORNIA

16  
17                  MELISSA A. PIERSON, CSR 12499, RPR  
18                  FEDERAL OFFICIAL COURT REPORTER  
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20                  SAN DIEGO, CALIFORNIA 92101  
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23  
24  
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1 APPEARANCES OF COUNSEL:

2 ON BEHALF OF PLAINTIFF:

3 LAURA DUFFY  
4 UNITED STATES ATTORNEY  
5 BY: MR. DAVID FOX, ESQ.  
6 ASSISTANT UNITED STATES ATTORNEYS  
7 880 FRONT STREET  
8 FIFTH FLOOR  
9 SAN DIEGO, CA 92101

10 ON BEHALF OF DEFENDANT:

11 FEDERAL DEFENDERS OF SAN DIEGO  
12 BY: MR. HANNI FAKHOURY, ESQ.  
13 225 W. BROADWAY  
14 ST. 900  
15 SAN DIEGO, CA 92101  
16 (619) 234-8467

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1 SAN DIEGO, CALIFORNIA; THURSDAY, APRIL 15, 2010

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3 (COURT IN SESSION AT 2:00 P.M.)

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5 MADAM CLERK: 10CR1372, UNITED STATES OF AMERICA  
6 VERSUS JONATHAN LEAL-DEL CARMEN.

7 MR. FAKHOURY: HANNI FAKHOURY, FEDERAL DEFENDERS,  
8 ON BEHALF OF MR. LEAL-DEL CARMEN.

9 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.  
10 AS I CALL OUT YOUR NAME, PLEASE IDENTIFY YOURSELF. JONATHAN  
11 LEAL-DEL CARMEN? GOOD AFTERNOON, SIR.

12 THE DEFENDANT: GOOD AFTERNOON.

13 MADAM CLERK: IS JONATHAN LEAL-DEL CARMEN YOUR TRUE  
14 NAME?

15 THE DEFENDANT: YES.

16 MADAM CLERK: YOU ARE HEREBY EACH INFORMED THAT AN  
17 INDICTMENT HAS BEEN FILED CHARGING MR. LEAL-DEL CARMEN WITHIN  
18 BRINGING IN ILLEGAL ALIENS FOR FINANCIAL GAIN, BRINGING IN  
19 ILLEGAL ALIENS WITHOUT PRESENTATION AND AIDING AND ABETTING.

20 COUNSEL, HAVE YOU EACH RECEIVED A COPY OF THE  
21 INDICTMENT AND DO YOU WAIVE FURTHER READING?

22 MR. FAKHOURY: YES, AS TO MR. LEAL-DEL CARMEN.

23 MADAM CLERK: YOU ARE EACH FURTHER INFORMED THAT  
24 YOU HAVE A RIGHT TO BE PRESENTED BY COUNSEL AT ALL  
25 PROCEEDINGS THROUGHOUT THE COURT. YOU HAVE THE RIGHT TO

1       REMAIN SILENT. YOU HAVE THE RIGHT TO A TRIAL BY JURY. YOU  
2       HAVE THE RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES WHO  
3       TESTIFY AGAINST YOU, AND YOU HAVE A RIGHT TO HAVE WITNESSES  
4       SUBPOENAED TO TESTIFY ON YOUR BEHALF. HOW DO YOU NOW PLEAD  
5       TO THE COUNTS IN WHICH YOU ARE NAMED?

6                  THE DEFENDANT: NOT GUILTY.

7                  THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, NOT  
8        GUILTY PLEAS WILL BE ENTERED ON YOUR BEHALF AT THIS TIME.

9                  MR. LEAL-DEL CARMEN, YOU ARE ORDERED TO APPEAR  
10      BEFORE JUDGE WHELAN ON MAY THE 3RD, AT 9:00 O'CLOCK IN THE  
11      MORNING, FOR PURPOSES OF A MOTION SETTING, DO YOU UNDERSTAND?

12                 THE DEFENDANT: YES.

13                 THE COURT: ANYTHING FURTHER FROM COUNSEL FOR  
14      EITHER SIDE?

15                 MR. FAKHOURY: NO, YOUR HONOR.

16                 MR. FOX: NO, YOUR HONOR.

17                 THE COURT: THANK YOU ALL.

18                 (WHICH WERE ALL THE PROCEEDINGS HELD.)

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CERTIFICATE OF REPORTER

COUNTY OF SAN DIEGO )  
 ) SS.  
STATE OF CALIFORNIA )

I, MELISSA A. PIERSON, OFFICIAL COURT REPORTER, REGISTERED  
PROFESSIONAL REPORTER, IN AND FOR THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA, DO HEREBY  
CERTIFY THAT I REPORTED, STENOGRAPHICALLY, THE FOREGOING  
PROCEEDINGS AT THE TIME AND PLACE HEREINBEFORE SET FORTH;  
THAT THE SAME WAS THEREAFTER REDUCED TO TYPEWRITTEN FORM BY  
MEANS OF COMPUTER-AIDED TRANSCRIPTION; AND I DO FURTHER  
CERTIFY THAT THIS IS A TRUE AND CORRECT TRANSCRIPTION OF MY  
STENOGRAPHIC NOTES.

DATE: 4-21-11

S:/MELISSA A. PIERSON

MELISSA A. PIERSON, CSR 12499 RPR

FEDERAL OFFICIAL COURT REPORTER